



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**October 15, 2003**

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**SUBJECT:**            **2003-0705 - Buddha Gate Monastery [Applicant] Chris Hygelund [Owner]**: Application for a 51,401 square foot site located at **1031 North Fair Oaks Avenue** in an M-S/R-3/ITR/PD (Industrial Service / Medium-High Density Residential / Industrial to Residential / Planned Development) Zoning District (APN: 110-14-0168):

Motion                Special Development Permit to allow the use of a Zen Meditation Information and Resource Center within a portion of an existing industrial building.

**REPORT IN BRIEF**

**Existing Site Conditions**            Industrial Building with Two Tenant Spaces;  
   • One space occupied by light manufacturing use  
   • Subject tenant space vacant

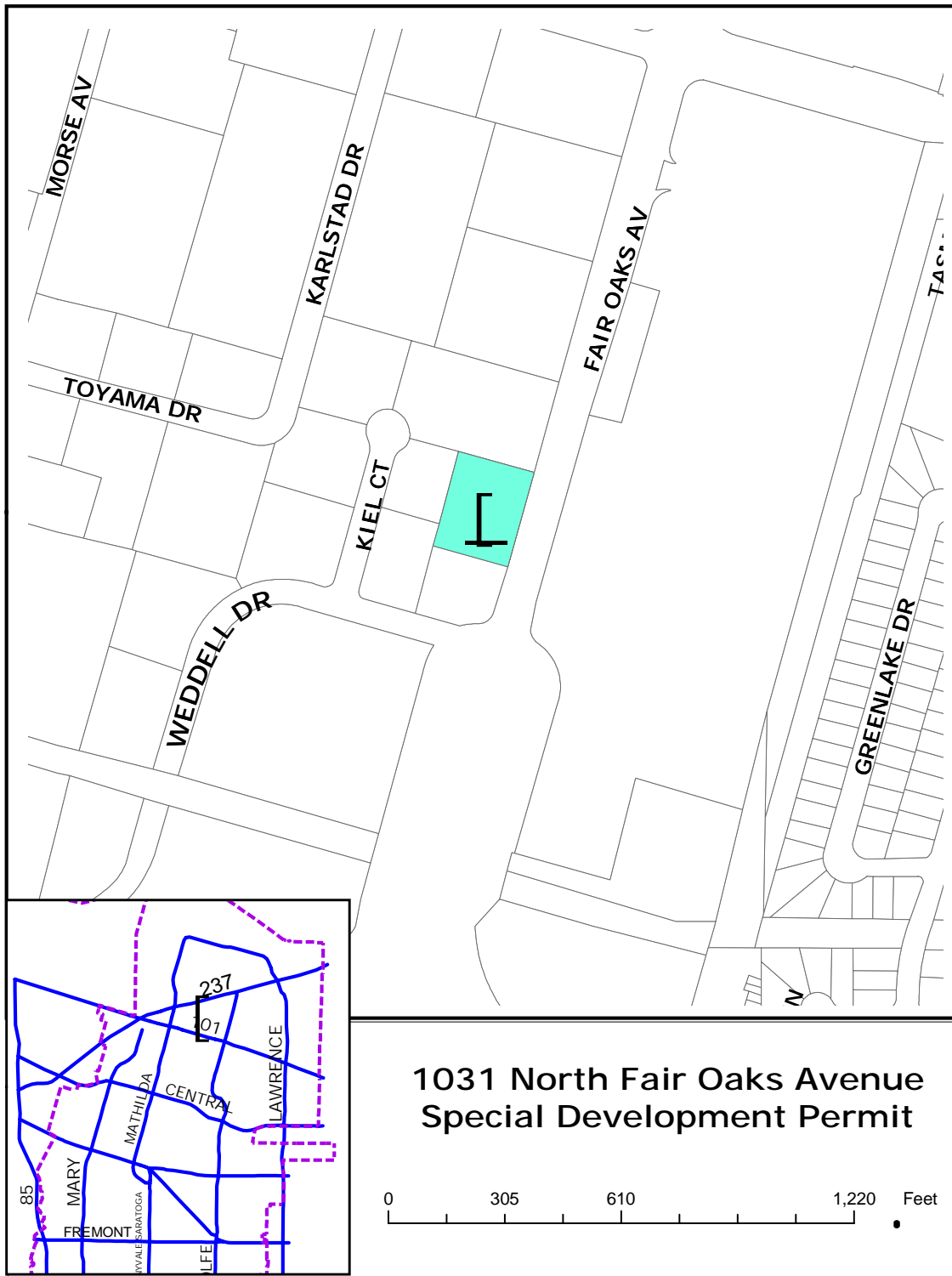
**Surrounding Land Uses**

North	R&D Offices/ Manufacturing Multi-Family Housing Industrial to Residential Zoning District
South	Lion & Compass Restaurant Industrial to Residential Zoning District
East	El Dorado Mobile Home Park Located Across North Fair Oaks Ave
West	Vacant R&D Offices/ Manufacturing/Warehousing Industrial to Residential Zoning District

**Issues**                                Use Compatibility

**Environmental Status**            A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**            Approve with Conditions



**PROJECT DATA TABLE**

	<u><b>EXISTING</b></u>	<u><b>PROPOSED</b></u>	<u><b>REQUIRED/ PERMITTED</b></u>
<b>General Plan</b>	Industrial to Residential Medium High Density	Same	N/A
<b>Zoning District</b>	M-S/R3/ITR/PD	Same	N/A
<b>Lot Size (s.f.)</b>	51,401 s.f.	Same	22,500 s.f. min.
<b>Lot Size (acres)</b>	1.18 acres	Same	.51 acres min.
<b>Use</b>	Vacant Industrial	Meditation Information & Resource Center	SDP Required
<b>Gross Floor Area (s.f.) Total Building</b>	19,256 s.f.	Same	17,990 s.f. max.
<b>Tenant Space Floor Area (s.f.)</b>	4,060 s.f.	Same	17,990 s.f. max.
<b>Lot Coverage (%)</b>	37%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	37%	Same	35% max.
<b>No. of Buildings On-Site</b>	1	Same	N/A
<b>Setbacks (facing prop.)</b>			
• Front	25 ft.	Same	25 ft. min.
• Left Side	44 ft.	Same	20 ft. min.
• Right Side	44 ft.	Same	20 ft. min.
• Rear	62 ft.	Same	None
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping*</b>	4,165 s.f.* 8%*	Same	10,280 s.f. min. 20%
• Frontage Width (ft.)	16 ft.	Same	15 ft. min.
<b>Parking</b>			
• Total No. of Spaces	68	Same	53 Min.
• No. of Standards	65	Same	50 Min.
• No. of Accessible	3	Same	3 min.

*\*Asterisk items represent deviations from the Sunnyvale Municipal Zoning Code.*

## **ANALYSIS**

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### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
7989	Futures Sites Study approving rezoning of industrial sites with an Industrial to Residential (ITR) Combining District.	City Council/Approved	10/5/93
1982-0145	Use Permit: To allow gas pump for associated industrial office use.	Administrative Hearing/Approved	04/14/82
1979-0132	Use Permit: To allow retail use within one of the four industrial tenant spaces	Planning Commission/Approved	02/26/79
1964-0383	Use Permit: To allow green house.	Planning Commission/Approved	07/13/64

A study issue allowing the development of residential units in areas zoned for industrial use was completed in 1993 to address ongoing housing shortages in Sunnyvale. As a result of the study, City Council approved a Rezone, which added the Industrial to Residential (ITR) Combining District to the existing M-S Zone. The ITR Combining District allows industrial, office, commercial and residential uses to exist within the same zoning district, and allows existing industrial, office and commercial sites to convert gradually to residential use.

A General Plan Amendment of the area bounded by Highway 237, 101 and Lawrence Expressway (in which the subject site is located) was approved by the City Council on June 25, 2002 (2001-0116 Council Study Issue). The change allowed a broader range of residential densities from medium-density residential to high-density residential. The General Plan land use designation allows both R-3 and R-4 Zoning Districts. A Mitigated Negative Declaration was prepared for the study. The associated initial study included traffic and transportation mitigation and a discussion of hazardous materials impacts, which were identified as less than significant.

### **Description of Proposed Project**

The application is to allow a Zen Meditation Information & Resource Center to be located within a 4,060 square foot tenant space in an industrial office

building. The proposed tenant space is currently vacant. The proposal does not include any exterior modifications to the site or building and only minor interior medications.

The subject site is located within an Industrial to Residential (ITR) Zoning District. The purpose of the ITR district is to allow industrial, office, commercial and residential uses to exist within the same zoning district, and to allow industrial, office or commercial uses to gradually covert to residential use. Religious uses require a Special Development Permit when located in an ITR Zoning District.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include change of use to existing facilities.

### **Special Development Permit**

**Use:** The Zen Meditation and Research Center is proposing the following uses and hours of operation:

- **Monday: Closed**
- **Tuesday – Sunday: Business Hours 10:00 a.m. to 9:00 p.m.**

#### **10:00 a.m. to 6:00 p.m. (3 employees max.)**

Daily activities would include the ability for the public to walk-in to inquire, research, and obtain information related to Zen meditation and Buddhist philosophy. Printed materials, CD's and DVD's would be available for viewing, reading and purchase.

Staff and volunteer's daily responsibilities would include standard office tasks. The Zen Master would be available to provide guidance and information to the public. The applicant anticipates sporadic visits throughout the day. Duration of the stay to the Center may vary from 10 minutes to 1-1/2 hour depending on the nature of the visit.

#### **6:00 p.m. to 9:00 p.m. (3 employees /30 attendees max.)**

After standard office hours, the Center would provide meditation demonstration, practice and lectures. There would be a maximum of 30 attendees. All lectures and meditations would be conducted on weekends and after office hours Tuesday through Friday.

**Surrounding Uses:**

There are two tenant spaces within the existing building. The subject tenant space is vacant and the adjacent space is occupied by a tool fabrication company and corporation office. The hours of the adjacent use are Monday through Friday 8:00 a.m. to 5:00 p.m. and closed on weekends.

Adjacent uses include R&D offices, light manufacturing, a gymnastics facility and multi-family housing to the north of the project. The El Dorado mobile home park is located across North Fair Oaks Ave to the east of the project. The Lion and Compass restaurant is located directly to the south. To the west of the site there are vacant R&D offices, light manufacturing and warehousing uses.

**Site Layout:** The site is located along North Fair Oaks Avenue. The 19,256 building is set in the middle of a 51,401 square foot parcel (See Attachment 3, Site and Architectural Plans). Parking surrounds the building on three sides. Two driveways provide access onto North Fair Oaks Avenue from each side of the building. There are no changes proposed that would affect the site layout.

**Architecture:** There are no proposed exterior modifications to the building.

**Floor Plans:** There are minor modifications to the existing floor plan. A couple of existing walls would be reconfigured to accommodate a library/research room, a reception/entry area, and the meditation hall. (See Attachment 3, Site and Architectural Plans). Staff has included Condition of Approval #4 requiring review and approval of modified floor plans providing accessible restrooms per the 2001 California Building Code prior to the issuance of a Building Permit and before occupancy of the building.

**Landscaping:** The existing percentage of the landscaping on the lot is 8%, which is less than the required 20% per SMC Section 19.38.070. The existing parking is a legal non-conforming condition. Given the parking constraints on the site, there is no opportunity to increase landscaping with the proposed project. The landscaping is in good condition.

**Parking/Circulation:** The site currently has a total of 68 parking spaces, 3 of which are handicap accessible. The proposed project would require a total of 53 parking spaces (see parking analysis below) for both the existing and proposed uses. The site would have a surplus of 15 spaces, therefore providing adequate on-site parking. Additionally each use would have different peak parking needs as the proposed Zen Meditation and Research Center has the highest parking demand on weekends and after office hours on weekdays, when the other use would be closed. However if the adjacent use were to operate during the same hours of the proposed use the site would provide more than adequate parking.

**Parking Analysis: 1031-1037 North Fair Oaks Avenue**

	<b>Proposed Project</b>	<b>Neighboring Tenant</b>
Use Classification	Uses not enumerated	R&D or General Industrial
Parking Ratio	1 space per 180 s.f.	1 space per 500 s.f. min.- 1 space per 250 s.f. max.
Parking Calculation	Tenant Space= 4,060 s.f.  4,060/180= 23	Tenant Space= 15,196 s.f.  15,196/500 = 30
Minimum Parking Requirement	<b>23 spaces</b>	<b>30 spaces</b>

Minimum Site Parking Requirement= 23 + 30 = 53 spaces

Existing Parking = 68 spaces

**Parking Surplus = 15 spaces**

The “use not enumerated” parking ratio was used in the parking analysis as the proposed use did not fall into the traditional “places of assembly” parking ratio requirements. The proposed Meditation and Research Center use would be a combination of uses including; office, library, training and meditation space. Staff considers the existing on-site parking to be adequate.

**Compliance with Development Standards**

The proposed project is in compliance with development standards with the exception of the 8% of on-site landscaping where 20% is required by the Sunnyvale Municipal Code. Because the proposal does not include additional square feet to the building, staff is not recommending that additional landscaping be installed.

**Expected Impact on the Surroundings**

The proposed use would not cause a negative impact to the site or surrounding neighborhood. The site has adequate on-site parking. The proposed use is quiet and the peak use would occur on weekends and on weekdays after surrounding uses office hours. Staff has not received any feedback from the immediate area concerning the proposed use.

**Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Approve the Special Development Permit with attached conditions of approval.
2. Approve the Special Development Permit with modified conditions of approval.
3. Deny the Special Development Permit.

**Recommendation**

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Alternative 1.

Prepared by:

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Erin Megan Walters  
Project Planner

Reviewed by:

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Gerri Caruso  
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans

**Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

**Land Use and Transportation Element**

***Policy N1.14 Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, and religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.***

The applicant is proposing a Zen Meditation Information and Resource Center in an ITR zoning district. The purpose of the ITR district is to allow industrial, office, commercial and residential uses to exist within the same zoning district, and to allow industrial, office or commercial uses to gradually convert to residential use. The proposed use is compatible with the range of business and residential uses both existing and allowed in the area because the use provides a service similar to office use during the standard 8:00 a.m. to 5:00 p.m. operating hours work day. During after office hours of 6:00 p.m. to 9:00 p.m. the use would be used by a maximum of 30 people and is quiet in nature. The site provides adequate on-site parking.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed use would be within an existing building. There are no proposed exterior modifications to the building. The proposed Zen Meditation Information and Resource Center use will not impair the development of future uses or existing adjacent uses as the project provides adequate on-site parking and conducts a majority of the business hours on weekends and after office hours during the weekdays.

**Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. Obtain Building Permits prior to construction for any tenant improvements on the site.
2. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building Permit.
3. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
4. Modified floor plans providing accessible restrooms per the 2001 California Building Code requirements shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit and installed prior to occupancy of the building.
5. Hours of operation shall be limited to the following hours:  
Monday: Closed  
Tuesday – Sunday: 10:00 a.m. to 9:00 p.m.\*  
\*Meditation demonstration/practice and lectures offered 6 to 9 p.m
6. Minor changes to the approved plans must be submitted to the Director of Community Development for review and approval. Major changes require the approval of the Administrative Hearing Officer.